APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/436,796	11/08/99	DONOVAN	S	RIC99060

025537   TM02/0424
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EXAMINER	
LOGSDON, J	
ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

	Application No.	Applicant(s)
Office Action Summary	09/436,796	DONOVAN ET AL.
	Examiner	Art Unit
	Joe Logsdon	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-22_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: .

Claim Rejections—35 U.S.C. 112, Second Paragraph:

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

2.   Claims 13 and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as failing to set

forth the subject matter which applicant(s) regard as their invention. According to claims 13 and

16, the redirect server is in communication with the network management system. But according

to the specification, it is the proxy server that is in communication with the network management

system; the proxy server forwards messages received from the redirect server to the network

management system (Fig. 1; page 9, line 17). Claims 17 and 18 depend on claim 16 and are

therefore similarly rejected.

Claim Rejections—35 U.S.C. 103(a):

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 1-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schulzrinne in view of Regnier et al. and Patel et al.

       With regard to claims 1-5, 7, 9-14, and 19-22, Schulzrinne teaches the use of SIP for

inviting participants to a conference call over the Internet (abstract; page 65). The terminal where

the called party can be reached must be determined; to accomplish this the address of the

appropriate SIP server is first determined. To find the appropriate SIP server, it may be necessary

for an SIP server to act as a redirect server—sending the client information on the location of the

appropriate SIP server. The same SIP server, however, could act as a proxy—issuing an

invitation to the called party. The SIP server can therefore be divided into two separate servers,

where one server is a location server that functions as a redirect server, and the other server acts

as proxy. The proxy receives and forwards an INVITE message to the location server; the proxy

receives routing information from the location server; the proxy routes the INVITE message to a

destination server using routing information it received from the location server; the proxy waits

for an OK response from the destination server; if the proxy receives the OK message, it

establishes communication between source and destination by sending an OK message to the

source; the called party can, however, refuse the session—thereby preventing call establishment.

Each SIP request includes the address of each SIP server through which it passes so that

responses can find their way back to the source of the request. The SIP server continues to search

for the destination server—whether it is an SIP server or other type of server, such as an SMTP

server—until it either finds the destination server or fails to find it. (See pages 68-70. See also

Figs. 2 and 3.) Schulzrinne fails to teach that the destination server is a gateway, and that a

session is established with a particular destination server if and only if the proxy server waits less

than some predetermined time for receipt of the response to its call setup request. Regnier et al.

discloses a method and system for dynamic routing of a call in an intelligent telecommunications

network (abstract). A first switching unit attempts a direct link to a neighboring switching unit. If

the attempt is unsuccessful, the first switching unit queries a central computer, which updates a

database to identify the corresponding link as unavailable; determines an alternative route using

a tandem node; and returns this information to the first switching unit (abstract; column 8, line

50 to column 10, line 15). The nodes can be gateways (column 11, lines 11-43). Patel et al.

discloses a shared auto-negotiation device and method for multiple port network devices

(abstract). The device includes a shared unit to which ports are connected in round robin fashion,

and an arbiter (abstract). The device polls the ports in round robin fashion until the state of each

port is resolved and stores the state of each port; the polling resumes at the next port if the state

remains unresolved for a predetermined time (column 5, lines 13-62). It would have been

obvious to one of ordinary skill in the art to modify the teaching of Schulzrinne so that the

destination server is a gateway, as in Regnier et al., and so that a session is established with a

particular destination server if and only if the proxy server waits less than some predetermined

time for receipt of the response to its call setup request, as in Patel et al., because use of gateways

allows the systems of caller and callee to use different protocols, and restricting the wait time avoids situations in which the proxy server must wait indefinitely because of a link failure.

With regard to claim 6, although Schulzrinne fails to explicitly teach that the proxy server could count the number of requests that have been made by a source user agent, it would have been obvious to one of ordinary skill in the art to modify the teaching of Schulzrinne so that the proxy server counts the number of requests that have been made so that if the proxy simultaneously receives requests from several users the proxy could assign priorities to the requests in a manner that depends in part on the number of attempts that have been made in the past by each user.

With regard to claim 8, Schulzrinne teaches that the proxy server can comprise an H.323 gatekeeper (pages 66, 68, and 72).

With regard to claim 15, although Schulzrinne fails to explicitly teach that the proxy server could make only one attempt to reach each destination server before moving on to the next destination server, it would have been obvious to one of ordinary skill in the art to modify the teaching of Schulzrinne so that only one attempt is made because such a method would allow the proxy server to avoid situations in which it must wait indefinitely because of a link failure.

6.   Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulzrinne in view of Regnier et al.

With regard to claims 16 and 17, Schulzrinne teaches the use of SIP for inviting participants to a conference call over the Internet (abstract; page 65). The terminal where the called party can be reached must be determined. To accomplish this the address of the

appropriate SIP server is first determined. To find the appropriate SIP server, it may be necessary

for an SIP server to act as a redirect server—sending the client information on the location of the

appropriate SIP server. The same SIP server, however, could act as a proxy—issuing an

invitation to the called party. The SIP server can therefore be divided into two separate servers,

where one server is a location server that functions as a redirect server, and the other server acts

as proxy. The proxy receives and forwards an INVITE message to the location server; the proxy

receives routing information from the location server; the proxy routes the INVITE message to a

destination server using routing information it received from the location server; the proxy waits

for an OK response from the destination server; if the proxy receives the OK message, it

establishes communication between source and destination by sending an OK message to the

source; the called party can, however, refuse the session—thereby preventing call establishment.

Each SIP request includes the address of each SIP server through which it passes so that

responses can find their way back to the source of the request. The SIP server continues to search

for the destination server—whether it is an SIP server or other type of server, such as an SMTP

server—until it either finds the destination server or fails to find it. (See pages 68-70. See also

Figs. 2 and 3.) Schulzrinne fails to teach that the destination server is a gateway, and that the

device that stores the information obtained concerning the ports is in communication with the

device that stores the possible routes corresponding to each destination address. Regnier et al.

discloses a method and system for dynamic routing of a call in an intelligent telecommunications

network (abstract). A first switching unit attempts a direct link to a neighboring switching unit. If

the attempt is unsuccessful, the first switching unit queries a central computer, which updates a

database to identify the corresponding link as unavailable; determines an alternative route using

a tandem node; and returns this information to the first switching unit (abstract; column 8, line

50 to column 10, line 15). The nodes can be gateways (column 11, lines 11-43). It would have

been obvious to one of ordinary skill in the art to modify the teaching of Schulzrinne so that the

destination server is a gateway and so that the device that stores the status of the ports

communicates with the device that stores the possible routes corresponding to each destination

address, as in Regnier et al., because use of gateways allows the systems of caller and callee to

use different protocols, and allowing the device that stores the status of the ports to communicate

with the device that stores the possible routes corresponding to each destination address would

allow the device to provide a table of routes whose status is known to the proxy server—thereby

allowing the proxy server to quickly decide which route to use for the call.

With regard to claim 18, Schulzrinne teaches that the proxy server can comprise an H.323

gatekeeper (pages 66, 68, and 72).

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Voit et al. and Hashimoto et al. are cited to show the state of the art.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph Logsdon whose telephone number is (703) 305-2419. The

examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hassan Kizou, can be reached at (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-4700.

9.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231
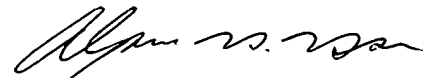
Or faxed to:

(703) 308-6743

For informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA, Sixth Floor (Receptionist).

Joe Logsdon

Patent Examiner

April 14, 2001

ALPUS H. HSU
PRIMARY EXAMINER